

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

OSHEA JENKINS,)	
)	No. 1:20-cv-03782
Plaintiff,)	
v.)	Honorable Elaine E. Bucklo
)	
REGAL CINEMAS, INC.,)	Magistrate Judge Jeffrey Cole
)	
Defendant.)	

JOINT MOTION TO EXTEND FACT DISCOVERY DEADLINE

Pursuant to Fed. R. Civ. P. 6(b)(1)(A) and 16(b)(4), Plaintiff Oshea Jenkins and Defendant Regal Cinemas, Inc. (“Defendant” or “Regal”) jointly move the Court to extend the fact discovery deadline by 81 days, up to and including December 20, 2024. In support of this Motion, the parties state as follows:

1. The deadline to complete fact discovery in this matter is currently September 30, 2024. *See* ECF No. 94. No other deadlines have been set. *See id.*
2. Before fact discovery closes, however, at a minimum the parties complete the conferral process regarding alleged deficiencies in their answers to and compliance with the other’s party’s discovery, any supplementation thereof that is agreed upon as a result of the conferrals, motion practice to address the unresolved discovery disputes, third-party oral discovery, and party depositions.
3. Efforts to complete fact discovery have been, and continue to be, hampered by defense counsel’s unexpected and tragic loss of a very close family member in late August, for which she is still grieving, as well as her ongoing need to reside out-of-town to be there to support and assist her other family members through this very difficult time. Defense counsel is also serving as executor of her father’s will and trustee of his living trust and handling the survivor

benefit claims and other resulting legal and financial issues. Needless to say, she continues to need flexibility, and will be playing catch up in this case and numerous others for some time.

4. Those efforts were also hampered because plaintiff's counsel was out for a week in September due to a medical issue, and was thereafter at less than full capacity during the recovery process. Although now back to full capacity, he too is still working to catch up in this case and numerous matters.

5. This Court has "broad authority to set and revise deadlines." *See, e.g., Young-Smith v. USW*, 614 F. App'x 843, 847 (7th Cir. 2015). That includes "authority to establish and extend discovery deadlines." *See, e.g., Johnson v. Mnuchin*, 2017 U.S. Dist. LEXIS 238223, at *7 (N.D. Ill. June 5, 2017) (collecting cases).

6. Accordingly, Fed. R. Civ. P. 6(b)(1)(A) provides that the Court may, in its discretion and for good cause shown, enlarge a period of time for a party to act if the request for extension is made before the original time expires. Similarly, under Rule 16(b), a scheduling order may be modified for "good cause and with the judge's consent." *See, e.g., In re Northshore Univ. Health Sys. Antitrust Litig.*, 2016 U.S. Dist. LEXIS 203187, at *5 (N.D. Ill. Mar. 29, 2016) (quoting Fed. R. Civ. P. 16(b)(4)).

7. The parties agree and respectfully submit that an extension of 81 days (*i.e.* roughly 2.5 months) is reasonable under the circumstances.

8. The parties have not previously sought to extend the fact discovery deadline.

9. The extension sought will not unduly delay these proceedings or prejudice the parties, nor will it affect any other deadlines in this case as none have been set.

10. The parties respectfully submit that the foregoing constitutes good cause for the Court to exercise its discretion to extend the fact discovery deadline by 81 days. Indeed, during

the September 4, 2024, video status hearing, the Court was apprised of the situation detailed above, and invited the parties to file this Motion.

WHEREFORE, the parties respectfully request that the Court enter an Order: **(A)** granting this Motion; **(B)** extending the fact discovery deadline by 81 days, up to and including December 20, 2024; and **(C)** awarding any further relief the Court deems necessary and proper.

Dated: September 27, 2024

Respectfully Submitted,

/s/ Theodore H. Kuyper

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CERTIFICATE OF SERVICE

I hereby certify that, on September 27, 2024 I caused a copy of the foregoing ***Joint Motion to Extend Fact Discovery Deadline*** to be served upon all counsel of record via electronic filing using the CM/ECF system.

/s/ Theodore H. Kuyper